

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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TOM PUTMAN
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OCT 26 2004

OFFICE OF
MANAGING DIRECTOR

Dennis F. Begley
Reddy, Begley & McCormick, LLP
Suite 610
1156 15th Street, N.W.
Washington, D.C. 20005-1770

Re: Cumbre Communications Corp., Debtor-in-Possession
Request for Waiver of FY 2004 Regulatory Fee
Fee Control No. 0408198835899152

Dear Mr. Begley:

This letter responds to your request (dated August 19, 2004) submitted on behalf of Cumbre Communications Corp., Debtor-in-Possession (Cumbre DIP), licensee of Station WALE, Greenville, Rhode Island, for a waiver of the fiscal year (FY) 2004 regulatory fee. Our records reflect that you have paid the \$2,925.00 FY 2004 regulatory fee.

In your request, you state that Cumbre Communications Corp. sought bankruptcy protection in the United States Bankruptcy Court in Rhode Island (Bankruptcy Court). You submit a copy of the voluntary petition for Chapter 11 bankruptcy reorganization that Cumbre Communications Corp. filed with the Bankruptcy Court on January 9, 2004. You state that Cumbre DIP remains in bankruptcy and has limited resources to operate Station WALE.

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due. *See Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). Accordingly, based upon the evidence that you provide that Cumbre Communications Corp. was in bankruptcy on the date the FY 2004 regulatory fees were due (i.e., August 19, 2004), we grant your request for waiver of the FY 2004 regulatory fee.

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August 19, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals445 Twelfth Street, S.W.
Washington, D.C. 20554**ATTENTION: Managing Director**Re: Request for Waiver of FY 2004 Regulatory Fee
Station WALE, Greenville, Rhode Island
Facility ID No. 49128
FRN No. 0010 8645 77

Dear Ms. Dortch:

Cumbre Communications Corp., Debtor-in-Possession, licensee of Standard Broadcast Station WALE, Greenville, Rhode Island, hereby requests waiver of the FY 2004 Regulatory Fee for Station WALE.

Cumbre acquired the license of Station WALE from North American Broadcasting Co., Inc., Debtor-in-Possession ("North America") on May 6, 2004 pursuant to Commission authorization (File No. BAL-20030825AET, granted October 14, 2003). North American was in bankruptcy at the time of the transfer. Cumbre also has been forced to seek protection of the bankruptcy court. See BAL-20040622ABC granted July 13, 2004. It is presently in bankruptcy and has limited resources to operate the station.

In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759 (1995) the Commission determined the payment of regulatory fees could be an impediment to the transfer of a license from a bankrupt station to a new licensee thereby impairing the restoration of necessary broadcast service. A new licensee acquiring a bankrupt or dark station faces a heavy burden in restoring to service a station that previously did not have an economically sustainable operation. Thus, in the interest of promoting the restoration of service, the Commission has extended its waiver

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Ms. Marlene H. Dortch, Secretary

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policy to include a licensee acquiring a bankrupt station thereby removing the regulatory fee as a potential obstacle variant to the development of the fledgling broadcast service during the initial year of operation at the previously bankrupt station. *Id.*, see also, *Letter to Henry A. Solomon, Esq.*, 11 FCC Rcd 8174 (Managing Director, July 1, 1996).

Moreover, the Commission's policy is to waive the regulatory fees for licensees whose stations are in bankruptcy. The evidence of bankruptcy is sufficient to establish financial hardship. *Implementation of Section 9 of the Communications Act, supra*, at 12762.

Pursuant to Section 1.1166(c) of the Rules the FY 2004 Regulatory Fee of Cumbre Communications Corp., Debtor-in-Possession, in the amount of \$2,925.00 has been paid. Attached is a copy of the Remittance Advice (Form 159).

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,



DENNIS F. BEGLEY
Counsel for
CUMBRE COMMUNICATIONS CORP.,
DEBTOR-IN-POSSESSION

DFB/jmr

Enclosures

cc(w/encl.): Roland Helvajian, FCC (via fax: 202/418-0521)